

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORMAN ALAN KERR,)	
)	
Petitioner,)	
)	
v.)	1:24CV752
)	1:09CR290-1
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On December 2, 2024, the Order and Recommendation of the United States Magistrate Judge was filed and notice was served on the parties in accordance with 28 U.S.C. § 636(b). Petitioner objected to the Recommendation. (Doc. 282.)

The court has reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Petitioner's request for the transfer of his case is DENIED, that this action is treated as a filing under 28 U.S.C. § 2255, and that it is DISMISSED *sua sponte* for failure to obtain certification for this § 2255 application by filing a Motion for Authorization in the Court of Appeals as required by 28 U.S.C. §§ 2255 and 2244 and Fourth Circuit Local Rule 22(d) and that, there being neither a substantial issue for appeal concerning the denial of a constitutional right affecting

the conviction nor a debatable procedural ruling, a certificate of appealability shall not issue.

/s/ Thomas D. Schroeder
United States District Judge

December 27, 2024